HONOURABLE SMT.JUSTICE T.MEENA KUMARI

&

HONOURABLE JUSTICE P.LAKSHMANA REDDY

WRIT PETITION NO. 20525 OF 2005

Dated 26-09-2005

Between:

Mohammed Salim Baig, son of late M.Alim Baig, aged about 52 years, working as Assistant Commissioner of Prohibition and Excise, (In charge), Kakinada, East Godavari District.

.....Petitioner.

And:

1. The Government of Andhra Pradesh, represented by its Special Chief Secretary, Revenue (Ex.I) Department, Secretariat, Hyderabad and others.

.....Respondents.

ORDER : (Per the Honourable Smt. Justice T. Meena Kumari)

This writ petition has been filed by the writ petitioner against the order passed in O.A. No. 4879 of 2005, on 05-09-2005 by the A.,P. Administrative Tribunal, Hyderabad.

The writ petitioner is the applicant before the tribunal. The parties will be referred to as arrayed before the Tribunal for the sake of convenience.

Originally, the applicant filed an application under section 19 of the Administrative Tribunals Act, 1985 in O.A. 4879 of 2005. The Tribunal while

directing the respondents not to make regular appointments to the posts in question pending further orders, ordered notice before admission in the O.A. Aggrieved by the same, the present writ petition has been filed by the applicant.

Heard both sides. We have perused the material available on record.

A perusal of the order of the tribunal reads thus:

> "Pending further orders, the respondents are directed not to make regular appointments to the posts in question"

The learned counsel appearing on behalf of the applicant has submitted across the bar that the applicant has not sought the above relief, but the relief that is sought by him as an interim measure, is only to continue him as Assistant Commissioner (Prohibition and Excise) pending disposal of the O.A.

In the facts and circumstances of the case and in view of the fact that due to the above interim order, the regular promotions of the persons who are in the seniority list, will be effected and also in view of the fact that the above interim order, is not the prayer of the applicant, without expressing any opinion on the merits of the case, We feel it appropriate to modify the order passed by the tribunal to the effect that the applicant shall be continued as incharge Assistant Commissioner (Prohibition and Excise) till the disposal of the O.A.

Subject to the above modification, this writ petition is disposed of. However, the tribunal is directed to dispose of the O.A.a within a period of two (2) months from the date of receipt of a copy of this order. Meanwhile, the respondents shall file their counter.

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Justice T. MEENA KUMARI

Date: 26th September, 2005

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Justice P. LAKSHMANA REDDY

Dvs/Gurc

HONOURABLE SMT. JUSTICE T.MEENA KUMARI

&

HONOURABLE JUSTICE P. LAKSHMANA REDDY

WRIT PETITION NO. 20525 OF 2005

(Order delivered by the Honourable

Smt. Justice T.Meena Kumari)

Dated 26-09-2005